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CPA
Rep. 5/11/01
10/11/01

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Date of Deposit: October 3, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Seini Matangi
Seini Matangi

10-03-01
Date

Patent

Attorney's Docket No. 002010-603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application No: 09/127,364

Examiner: D. Lukton

Art Unit: 1653

**REQUEST FORM FOR CONTINUING PROSECUTION
APPLICATION UNDER 37 C.F.R. § 1.53(d)**

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(d) (Continuing Prosecution Application) of prior Application No. 09/127,364, filed on July 31, 1998, for Anti-Inflammatory Compositions and Method by the following named inventor(s):

(a) Full Name Theodore A. Yednock

(b) Full Name Michael A. Pleiss

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

(a) Full Name _____

10/09/2001 AWONDAF1 00000106 09127364

01 FC:131	740.00 OP
02 FC:102	84.00 OP
03 FC:103	54.00 OP



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The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 C.F.R. § 1.53(b) must be used for applications where the prior application is not to be abandoned.)

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

1. ☐ Applicant(s) suggests Figure ____ for inclusion on the front page of the patent application publication and patent.
2. ☐ Applicant(s) requests suspension of action by the Office until at least __, which does not exceed three months from the filing of this CPA, in accordance with 37 C.F.R. § 1.103(b). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
3. ☐ Enter the amendment previously filed on __ under 37 C.F.R. § 1.116, but unentered, in the prior application.
4. ☒ The election made previously in the prior application does not carry over to this application. Specifically, Applicants withdraw the election of species, as well as the election made in paper No. 9, filed August 28, 2000 and paper 12 filed March 15, 2001; both without prejudice.
5. ☒ A preliminary amendment is enclosed.
6. ☐ Small entity status is hereby claimed.
7. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 3 and 5 above:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	23	MINUS 20 =	3	× \$18.00 (103) =	54.00
Independent Claims	4	MINUS 3 =	1	× \$84.00 (102) =	84.00
If multiple dependent claims are presented, add \$280.00 (104)					
Total Application Fee					878.00
If small entity status is claimed, subtract 50% of Total Application Fee					
TOTAL APPLICATION FEE DUE					878.00

8. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
9. ☒ A check in the amount of \$ 878.00 is enclosed for the fee due.
10. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.

11. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
12. ☐ Priority of Application No. __, filed on __, in __ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on __ in prior Application No. __, filed on __, and acknowledged by the Examiner on __ in Paper No. __.
- ☐ has not yet been filed.
13. ☐ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. __ filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __.--
14. ☒ Also enclosed Petition for Three Month Extension of Time.
15. ☐ The power of attorney in the prior application is to __.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney or Agent __.
- d. ☐ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Gerald F. Swiss
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: October 3, 2001

By: 

Gerald F. Swiss
Registration No. 30,113

ADDRESS OF SIGNATOR:

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(650) 622-2300

☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)

Reg. P. on C. P. A.
10/3/07

PTO/SB/06 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number
09/127-364

CLAIMS AS FILED - PART I

SMALL ENTITY OR OTHER THAN SMALL ENTITY

FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	23 minus 20 = *	3
INDEPENDENT CLAIMS (37 CFR 1.16(b))	4 minus 3 = *	1
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$
x \$	=
x	=
+	=
TOTAL	

RATE	FEE
	\$
x \$	=
x	=
+	=
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

SMALL ENTITY OR OTHER THAN SMALL ENTITY

AMENDMENT A	(Column 1)	CLAIMS REMAINING AFTER AMENDMENT	(Column 2)	HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3)	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI-TIONAL FEE
x \$	=
x	=
+	=
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
x \$	=
x	=
+	=
TOTAL	
ADDIT. FEE	

AMENDMENT B	(Column 1)	CLAIMS REMAINING AFTER AMENDMENT	(Column 2)	HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3)	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI-TIONAL FEE
x \$	=
x	=
+	=
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
x \$	=
x	=
+	=
TOTAL	
ADDIT. FEE	

AMENDMENT C	(Column 1)	CLAIMS REMAINING AFTER AMENDMENT	(Column 2)	HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3)	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI-TIONAL FEE
x \$	=
x	=
+	=
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
x \$	=
x	=
+	=
TOTAL	
ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.